

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Nakamura, *et al.* CONFIRMATION NO. : 8168
SERIAL NUMBER : 10/788,847 EXAMINER : Michael D. Burkhart
FILING DATE : February 27, 2004 ART UNIT : 1633
PATENT NO. : ISSUE DATE :
FOR : GENE AND PROTEIN RELATING TO HEPATOCELLULAR
CARCINOMA AND METHODS OF USE THEREOF

Via EFS

APPLICATION FOR ADJUSTMENT OF PATENT TERM UNDER 37 C.F.R. § 1.705(b)

Applicants request reconsideration of the patent term adjustment under 37 C.F.R. § 1.705(b) to 690 days as of the mailing of the Notice of Allowance. In support of this request, Applicants submit the following statement of facts pursuant to 37 C.F.R. § 1.705(b).

(i) The adjustment under 35 U.S.C § 154(b)(1)(A) (USPTO A Delay) is 625 days which is the sum of 625 days (delay under 37 C.F.R. § 1.703(a), “the 14-month rule”) and 0 days (delay under 37 C.F.R. § 1.703(a),(c)-(e)).

(ii) The reduction of patent term under 35 U.S.C § 154(b)(2)(C), for Applicants’ failure to engage in reasonable efforts to conclude prosecution of the application, is 336 days.

(iii) As of the present time, the delay due to the failure of the Office to issue a patent within three years after the date on which the application was filed is estimated to be 401 days, which is the period from February 28, 2007 (the day after the date that is the three year anniversary of the application filing date) up to and including April 3, 2008: (the day before the date that a Request for Continued Examination was first filed).

In summary, Applicants respectfully request an adjustment of patent term to indicate a total PTA of 690 days, which is the sum of periods under § 154(b)(1)(A) (625 days) and the estimated delay due to the failure of the Office to issue a patent within three years (401 days), less the sum of the periods under § 154(b)(2)(C) (336 days).

U.S.S.N.: 10/788,847

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The above-identified application is not subject to a terminal disclaimer. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application as set forth in 37 C.F.R. § 1.704, other than the circumstances of record.

Applicants reserve the right to request reconsideration of the patent term calculated under 37 C.F.R. § 1.703(b).

Pursuant to 37 C.F.R. § 1.705(b) and § 1.18(e), the fee required for filing this application for patent term adjustment is believed to be **\$200.00**. Please charge the required fee, and any additional fees due, or credit any overpayment of same, to Deposit Account No. 50-0311, Customer No. 30623, Reference No.: 25371-021002US.

Respectfully submitted,



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